

- NOTE A: For the convenience of the court, the party making the answers should set out each answer immediately after the interrogatory.
- NOTE B: All of these interrogatories shall be deemed continuing so as to require the supplemental answer if further information is obtained between the time of service of the answers and the time of trial.
- NOTE C: These interrogatories are specifically relative to each other, and the party making answer shall provide the information sought as completely as possible, including that which is from his own knowledge and that in possession of any other source acting on his behalf stating the sources of information if other than his own.

INSTRUCTIONS

1. The knowledge, information and possession of the Defendant includes the knowledge, information, and possession of its agents and all other persons acting or purporting to act on its behalf, including, unless privileged, its attorneys.
2. If any of these interrogatories cannot be answered in full, please answer to the extent possible, specifying the reasons for the inability to answer, and stating whatever information or knowledge is available concerning the unanswered portions.
3. If there is insufficient room to answer each interrogatory fully and completely, please feel free to use additional sheets for your answers.

DEFINITIONS

- I. **“Identify”** means the following:
 - a. When identifying a person give such person’s:
 1. full name;
 2. job title or position at Defendant during the time in question;
 3. last known residential address and telephone number;
 4. current job title or position at Defendant; and
 5. last known business affiliation if not currently employed at Defendant.
 - b. When identifying a document:
 1. identify the author, addressee, the name of the person(s) who signed the document and any persons shown as receiving copies of the document;
 2. state the document title, number, code or other identifying data;

3. state the date on which the document was prepared, or, of not known, the approximate date;
4. state the name, address, and description of the person having possession, custody or control of the document, if other than you;
5. if such document was, but no longer is, in the possession of the Respondent or subject to your control, state what disposition was made of the document; and
6. when identifying a document please remember documents include “electronic information” including without limitation emails, text messages, tweets, social media posts and pictures, voice messages, video and sound recordings, word processing documents calendar entries and data entries.

c. The person answering these interrogatories may attach a copy of the document which provides the specified information in lieu of or in addition to identifying a document as described above.

II. **“Defendant,”** “you,” “your,” “yours,” “yourself,” and “Rally’s” means the following: Checkers Drive-In Restaurants, Inc., which does business and as and is commonly referred to as Rally’s, and shall include any and all of its agents, servants, managers, supervisors, administrators, directors, officers, board members, human resources representatives and employees.

INTERROGATORIES

INTERROGATORY No. 1: Identify the person answering these Interrogatories, all persons who assisted in preparing responses to these Interrogatories, and who reviewed and/or used documents in preparing responses to these Interrogatories by stating:

- a. Name;
- b. Gender; and
- c. Title and job description with the Defendant.

ANSWER:

INTERROGATORY No. 2: For the duration of Plaintiff's employment at Defendant, please provide the inclusive dates during which Plaintiff was employed at Rally's and identify each position she held, the nature of the Plaintiff's responsibilities or type of work performed by Plaintiff, the skills required for efficient performance of Plaintiff's job duties, the Plaintiff's salary and employment benefits (this should include, but not be limited to, rate(s) of pay and pay history, health insurance, life insurance premiums, dental and/or vision insurance premiums, 401(k) or other retirement benefit plans, medical or personal leave policies, short-term disability policy, long-term disability policy, worker's compensation policy and any employee assistance programs).

ANSWER:

INTERROGATORY No. 3: As to all managers, supervisors, administrators, human resource representatives, directors, officers or individuals currently or formerly employed at Defendant who had any involvement in the interviewing, hiring, evaluating, reviewing, promoting, demoting, salary, disciplining, reprimanding, coaching, counseling, and/or scheduling of Plaintiff for work at Defendant, please state as to each:

- (a) Name, current or last known mailing address and phone number, and gender;
- (b) The individual's job title and employment history with Defendant;
- (c) The individual's specific role in evaluation of Plaintiff's qualifications;
- (d) The individual's specific role in scheduling Plaintiff to work at Defendant; and
- (e) The individual's specific role in Plaintiff's employment status throughout her term of employment at Defendant.

ANSWER:

INTERROGATORY No. 4: Identify any individual, including parties known to you, or any agent or employee of yours, to have seen, heard or known about alleged discrimination or retaliation of any black female, pregnant female or female with caregiver responsibility employed at Defendant, from January 20, 2013 (two years prior to Plaintiff's date of hire) until the present, and for each provide the following:

- (a) The name, job title, job duties, last known mailing address and phone number of each individual;
- (b) The location, in relation to the alleged occurrence, of each individual at the time such witness saw, heard, or learned about the alleged occurrence;
- (c) The substance, to the best of your knowledge, of all information or knowledge about the alleged occurrence known to each such individual;
- (d) Whether or not any such individual gave any statement or account, either orally or in writing, of such individual's knowledge of the alleged occurrence, and if so, give the substance of such statements or accounts; and
- (e) Whether each individual continues to have any professional relationship to you.

ANSWER:

INTERROGATORY No. 5: Identify any individual, including parties known to you, or any agent or employee of yours, to have seen, heard or known about alleged pregnancy discrimination or retaliation by Gloria Reed (from her date of hire until the present) against any employee at Defendant, and for each provide the following:

- (a) The name, job title, job duties, last known mailing address and phone number of each individual;
- (b) The location, in relation to the alleged occurrence, of each individual at the time such witness saw, heard, or learned about the alleged occurrence;
- (c) The substance, to the best of your knowledge, of all information or knowledge about the alleged occurrence known to each such individual;
- (d) Whether or not any such individual gave any statement or account, either orally or in writing, of such individual's knowledge of the alleged occurrence, and if so, give the substance of such statements or accounts; and
- (e) Whether each individual continues to have any professional relationship to you.

ANSWER:

INTERROGATORY No. 6: Identify any individual, including parties known to you, or any agent or employee of yours, to have seen, heard or known about alleged pregnancy discrimination or retaliation by Robinson Petit-Bien (from his date of hire until the present) against any female employee at Defendant, and for each provide the following:

- (a) The name, job title, job duties, last known mailing address and phone number of each individual;
- (b) The location, in relation to the alleged occurrence, of each individual at the time such witness saw, heard, or learned about the alleged occurrence;
- (c) The substance, to the best of your knowledge, of all information or knowledge about the alleged occurrence known to each such individual;
- (d) Whether or not any such individual gave any statement or account, either orally or in writing, of such individual's knowledge of the alleged occurrence, and if so, give the substance of such statements or accounts; and
- (e) Whether each individual continues to have any professional relationship to you.

ANSWER:

INTERROGATORY No. 7: Identify (by date, time and approximate location) each verbal or written discipline, reprimand and/or counseling involving Plaintiff during her employment at Defendant, the employee at Defendant (identified by full name and job title) responsible for each discipline, reprimand and/or counseling of Plaintiff and any witnesses to the discipline, reprimand and/or counseling of the Plaintiff.

ANSWER:

INTERROGATORY No. 8: Please describe in detail the content of any discussions between Defendant and Plaintiff about Plaintiff's job performance and provide the amount of time Plaintiff was given to improve her performance; if Defendant contends it acted in accordance with its established policies, customs or procedure concerning events leading to Plaintiff being warned or disciplined then identify the policy/custom/procedure and state with particularity all facts supporting the contention.

ANSWER:

INTERROGATORY No. 9: Identify (by full name, last known mailing address and phone number, and job title at Defendant) all pregnant females employed as a Shift Manager and/or who participated in management training at Defendant's restaurant located on Franklin Street in Michigan City, Indiana, from January 20, 2013 (two years prior to Plaintiff's date of hire), through the present and provide her date of hire, date of separation and any reason for separation of employment.

ANSWER:

INTERROGATORY No. 10: Identify (by providing full name, gender, last known mailing address and phone number) all individuals employed as a Shift Manager or who participated in management training at Defendant's restaurant located on Franklin Street in Michigan City, Indiana, during the calendar years 2015, 2016 and 2017; and state their date of hire, date of separation and any reason for separation of employment.

ANSWER:

INTERROGATORY No. 11: Please provide all dates that each individual identified in response to Interrogatory No. 10 above were tardy, absent, left work early and/or refused to work at Defendant between January 20, 2013 (two years prior to Plaintiff's date of hire) and the present.

ANSWER:

INTERROGATORY No. 12: Please provide all dates that each individual identified in response to Interrogatory No. 10 above requested accommodation of a short period of rest for any health issue and/or were allowed inside the manager's office during his/her management training.

ANSWER:

INTERROGATORY No. 13: Please identify all personnel at Defendant who had supervisory responsibility for the Plaintiff at Defendant's restaurant located on Franklin Street in Michigan City, Indiana, including in your answer:

- (a) Their full name, gender and job title or position at Defendant;
- (b) Their qualifications for the position he/she held;
- (c) The length of time employed by the Defendant;
- (d) Last known residential and mailing addresses and telephone number;
- (e) The period of time they had supervisory responsibility for the Plaintiff
- (f) Current job title or position at Defendant; and
- (g) Last known business affiliation if not currently employed at Rally's.

ANSWER:

INTERROGATORY No. 14: Identify each and every employee terminated from management training at Defendant's restaurant located on Franklin Street in Michigan City, Indiana, between January 20, 2013 (two years prior to Plaintiff's date of hire) and the present, and provide Defendant's given reason for termination.

ANSWER:

INTERROGATORY No. 15: State all facts known to you, which you allege substantiate each of the denials and/or Affirmative Defenses as plead in your Answer to Plaintiff's Complaint; and state all statutes and/or case law, which substantiate each Answer and/or Affirmative Defense pled in your Answer to Plaintiff's Complaint.

ANSWER:

INTERROGATORY No. 16: State the name and address of any witness or persons whom you believe have information or knowledge concerning or relating to any of the allegations contained in Plaintiff's Complaint or Defendant's Answers and Affirmative Defenses pled in your Answer to Plaintiff's Complaint, and state with specificity and detail what that witness' testimony (through either affidavit, live or deposition testimony) is expected to be.

- a. State the person's name and address;
- b. Describe the knowledge or information which you believe each person has concerning or relating to the allegations in Plaintiff's Complaint or the subject matter of this case; and
- c. State whether you have obtained a statement or affidavit from each person.

ANSWER:

INTERROGATORY No. 17: Within the last three (3) years, has Defendant ever received complaint of sex and/or pregnancy harassment or discrimination, retaliation, unfair work assignment, denial of work, unequal pay and/or denial of employment benefits by any female employee and/or any black employee, whether any such complaint was made verbally or in writing to Defendant or filed with any local, administrative or governmental agency (including without limitation the Indiana Department of Labor, the Indiana Department of Workforce Development, the Indiana Civil Rights Commission, the Equal Employment Opportunity Commission or any local office), or asserted in any legal action. If so, please state:

- (a) State the name, gender, and current or last known mailing address of the complainant;
- (b) State the nature of the complaint;
- (c) State the date of any such complaint;
- (d) Identify any agency or court with whom such complaint was filed;
- (e) State whether or not the complaint was investigated;
- (f) State the findings of any investigation;
- (g) State the action taken by the defendant; and
- (h) Attach a copy of both the complaint and any findings or state time and place plaintiff's counsel may examine a copy of the complaint.

ANSWER:

INTERROGATORY No. 18: Identify any investigation at Defendant concerning violation of Title VII of the Civil Rights Act of 1964, as amended, based on gender and/or pregnancy within the last three (3) years by providing the identify the entity or individual that conducted the investigation; when, where, by what facts surrounded the act or investigation; the results of said investigation; and how each matter investigated was resolved.

ANSWER:

INTERROGATORY No. 19: Does Defendant or any of its agents, management, supervisory personnel, servants, administrators, human resource representatives, directors, officers, or board members have knowledge or indications of statements, stereotypical comments, ridicule, joking, derogatory language or other acts in the workplace that could be derogatory, degrading, offensive, or insensitive to women generally and/or women who are pregnant or who have caregiver responsibilities that occurred within the past three (3) years? If so, please state:

- (a) The acts or circumstances involved,
- (b) The dates of their occurrence,
- (c) The names and titles of those involved,
- (d) The names and titles of those persons responsible for investigating the acts and/or circumstances, and
- (e) The date and a description of action taken by management in response to the acts and/or circumstances.

ANSWER:

INTERROGATORY No. 20: Within the last three (3) years, has Defendant been required by the Equal Employment Opportunity Commission (EEOC) to make and preserve employment records or to make certain reports concerning employment activities and practices available. If so, please give the date of and reason for the preservation or availability, the name and job title of any of agents, managers, supervisors, administrators, directors, officers, owners or human resources representatives identified in such records; and the name and address of any employee or individual identified in such records.

ANSWER:

INTERROGATORY No. 21: Please state whether Defendant has had a policy during the past three (3) years relating to the rights of its employees to oppose discrimination or retaliation, to protest discrimination or retaliation, or to complain of discrimination and/or retaliation. If so, please state:

- (a) Describe the Defendant's policy,
- (b) Specify the business reasons for such policy, and
- (c) State the inclusive dates during which the policy has been in effect.
- (d) Full name, gender and job title or position at Defendant for each individual responsible for setting such policy;
- (e) Their qualifications for the position he/she held;
- (f) The length of time employed by the Defendant;
- (g) Current job title or position at Defendant; and
- (h) Last known business affiliation if not currently employed at Rally's

ANSWER:

INTERROGATORY No. 22: Please state whether Defendant has had a policy during the past three (3) years relating to the rights of its employees to complain about unpaid wages, oppose violation of the Fair Labor Standards Act and/or complain of retaliation. If so, please state:

- (a) Describe the Defendant's policy,
- (b) Specify the business reasons for such policy, and
- (c) State the inclusive dates during which the policy has been in effect.
- (d) Full name, gender and job title or position at Defendant for each individual responsible for setting such policy;
- (e) Their qualifications for the position he/she held;
- (f) The length of time employed by the Defendant;
- (g) Current job title or position at Defendant; and
- (h) Last known business affiliation if not currently employed at Rally's.

ANSWER:

I swear or affirm under the pains and penalties of perjury that the above is true and correct to the best of my information and belief.

Checkers Drive-In Restaurants, Inc.

By: _____

Printed Name
Its: _____

STATE OF INDIANA)
)SS:
COUNTY OF _____)

_____, being first and duly sworn upon his/her oath, deposes and sayeth that he/she has read over the above and foregoing Answers to Interrogatories and that said Answers are true and complete to the best of his/her knowledge, information and belief.

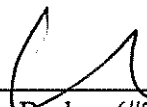
By: _____

Notary Public

(Printed Name)
My Commission Expires _____

Resident of _____ County

Respectfully submitted,
Blachly, Tabor, Bozik & Hartman, LLC



Colby A. Barkes (#26251-64)
56 Washington Street, Suite #401
Valparaiso IN 46383
Phone: 219-464-1041
Fax: 219-464-0927
cabarkes@btbhlaw.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify that on the 29th day of AUGUST, 2017, service of a true and complete copy of the foregoing was made upon each party or attorney of record herein by facsimile to 813-318-5900 and 317-636-2408, by email to: mccrear@gtlaw.com, andrewsni@gtlaw.com, sanfilippos@gtlaw.com and sandres@duedoyle.com, and by depositing same in the United States mail in envelopes properly addressed, with sufficient first class postage affixed, to the following:

Richard C. McCrea, Jr.
Nicholas S Andrews
Sara G. Sanfilippo
GREENBERG TRAUIG, P.A.
101 E. Kennedy Boulevard, Suite 1900
Tampa, FL 33602

Scott E. Andres, Esq.
DUE DOYLE FANNING & ALDERFER, LLP
8440 Allison Pointe Blvd, Suite #350
Indianapolis, IN 46250

BLACHLY TABOR BOZIK & HARTMAN LLC

